

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

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In Re: NETWORK ENGINES INC.  
SECURITIES LITIGATION

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) **CA NO. 03-12529-JLT**  
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**PLAINTIFFS' ASSENTED TO MOTION FOR**  
**DISTRIBUTION OF CLASS SETTLEMENT FUND**

**PLEASE TAKE NOTICE**, that, upon the annexed affidavit of Affidavit of Kim R. Schmidt of Rust Consulting, Inc. ("Rust Consulting"), the Claims Administrator, and the accompanying memorandum of law, and upon all prior proceedings herein, the undersigned hereby move this Court for an Order pursuant to Rule 23(e) of the Federal Rules of Civil Procedure: (i) approving the administrative determinations of Rust Consulting accepting and rejecting claims submitted herein; (ii) directing payment of \$27,560.36 out of the Settlement Fund to Rust Consulting for its fees and expenses incurred and to be incurred in connection with its services performed and to be performed in giving notice to the Class, preparing tax returns for the Settlement Fund, processing the Proofs of Claim, and administering and distributing the Settlement Fund; (iii) directing distribution of the Net Settlement Fund, after deduction of the payments requested herein, to Class Members whose Proofs of Claim have been accepted; (iv) authorizing destruction of paper copies of Proof of Claim forms one year after distribution of the Net Settlement Fund, and authorizing destruction of electronic copies of claim records three years after distribution of the Net Settlement Fund; and (v) for such other and further relief as this Court deems appropriate.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order in the form of

the proposed Order Re: Distribution of Class Settlement Fund annexed hereto as Exhibit A.

Dated: June 12, 2007

**MOULTON & GANS, PC**

By: /s/ Nancy Freeman Gans  
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**Liaison Counsel for the Class**

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**Lead Counsel for the Class**

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I, JOHN J. MILLS, an associate at Milberg Weiss & Bershad LLP, hereby certify that, on June 8, 2007, I conferred with Daniel W. Halston, Esq. of Wilmer Cutler Pickering Hale & Dorr LLP, Counsel for Defendants Network Engines, Inc., John Curtis, Douglas Bryant, and Lawrence Genovesi, and he has assented to this motion.

/s/ John J. Mills  
John J. Mills

**CERTIFICATE OF SERVICE**

I, JOHN J. MILLS, hereby certify that, on June 12, 2007, a true copy of the foregoing "Plaintiffs' Assented To Motion for Distribution of Class Settlement Fund" was served upon the attorneys of record for each party via ECF or hand delivery.

/s/ John J. Mills  
John J. Mills